

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Oneida Cruz
Debtor(s)

Bankruptcy Case No.: 18-24072-CMB
Issued Per Aug. 29, 2019 Proceeding
Chapter: 13
Docket No.: 38 – 5, 30
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 15, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,087 as of September 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PA Department of Revenue at Claim No. 1; I.R.S. at Claim No. 2–3; Nationstar Mortgage LLC at Claim No. 5 .
- ☒ H. Additional Terms: The secured claim of Gateway One Lending and Finance (Claim No. 3) shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 4, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Oneida Cruz
 Debtor

Case No. 18-24072-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 28

Date Rcvd: Sep 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 06, 2019.

db
 14932932 +Oneida Cruz, 5242 Broadlea Drive, Pittsburgh, PA 15236-2607
 14932933 +Baldwin EMS, c/o Advanced Recovery Systems, PO Box 80766, Valley Forge, PA 19484-0766
 14932945 +Chrysler Capital, PO Box 961275, Fort Worth, TX 76161-0275
 14932945 +KML Law Group, P.C., Suite 5000, BNY Mellon Independence Center, 701 Market Street, Philadelphia, PA 19106-1541
 14932943 +KeyBridge Medical Revenue, Attn: Bankruptcy, Po Box 15618, Wilmington, DE 19850-5618
 14932947 +Mr. Cooper, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
 14932948 +Mr. Cooper, Attn: Bankruptcy, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
 14945815 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 14932950 +St. Clair Hospital, c/o Collection Service Center, 363 Vanadium Road, Suite 109, Pittsburgh, PA 15243-1477
 14932952 +St. Clair Medical Services, PO Box 791486, Baltimore, MD 21279-1486
 14932953 +State of Maryland Central Collection Unit, C/O Lisa K. Jenkins, Asst. Attorney Gene, 300 West Preston Street, Room 307, Baltimore, MD 21201-2308
 14932954 +Vacation Village in the Berkshires, PO Box 9610, Coral Springs, FL 33075-9610

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. cr

+E-mail/Text: kburkley@bernsteinlaw.com Sep 05 2019 03:10:26 Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 05 2019 03:14:09 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14932934 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 05 2019 03:09:14 CitiBank/Home Depot, c/o Midland Funding, 2365 Northside Dr Ste 30, San Diego, CA 92108-2709
 14932936 +E-mail/Text: bankruptcy_notifications@ccsusa.com Sep 05 2019 03:10:30 Credit Collection Services, Attn: Bankruptcy, 725 Canton St, Norwood, MA 02062-2679
 14932935 +E-mail/Text: bankruptcy_notifications@ccsusa.com Sep 05 2019 03:10:30 Credit Collection Services, 725 Canton St, Norwood, MA 02062-2679
 14932937 E-mail/Text: GOLF_STBankruptcy@gatewayonlending.com Sep 05 2019 03:08:19 Gateway One Lending & Finance, 175 N Riverview Dr, Anaheim, CA 92808
 14932938 E-mail/Text: GOLF_STBankruptcy@gatewayonlending.com Sep 05 2019 03:08:19 Gateway One Lending & Finance, Attn: Bankruptcy, 175 N Riverview Dr., Anaheim, CA 9808
 14932939 E-mail/Text: cio.bncmail@irs.gov Sep 05 2019 03:08:31 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14932941 +E-mail/Text: processing@keybridged.com Sep 05 2019 03:10:11 KeyBridge Medical Revenue, 2348 Baton Rouge, Lima, OH 45805-1167
 14968332 E-mail/PDF: resurgentbknofications@resurgent.com Sep 05 2019 03:13:41 LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14932946 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 05 2019 03:09:14 Midland Funding, 2365 Northside Dr Ste 300, San Diego, CA 92108-2709
 14957133 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 05 2019 03:09:14 Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
 14939571 E-mail/PDF: cbp@onemainfinancial.com Sep 05 2019 03:13:57 ONEMAIN, P.O. BOX 3251, EVANSVILLE, IN 47731-3251
 14932949 +E-mail/PDF: cbp@onemainfinancial.com Sep 05 2019 03:13:57 One Main Financial, Century Square Shop Center, 3533 Mountain View Drive, West Mifflin, PA 15122-2447
 15081219 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 05 2019 03:13:01 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
 14935050 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 05 2019 03:09:05 Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC d/b/a Mr. Cooper
 14932940* Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 14932944* +KeyBridge Medical Revenue, Attn: Bankruptcy, Po Box 15618, Wilmington, DE 19850-5618
 14932942* +KeyBridge Medical Revenue, 2348 Baton Rouge, Lima, OH 45805-1167
 14932951* +St. Clair Hospital, c/o Collection Service Center, 363 Vanadium Road, Suite 109, Pittsburgh, PA 15243-1477

TOTALS: 1, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

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District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 28

Date Rcvd: Sep 04, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 06, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 4, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
Kenneth Steidl on behalf of Debtor Oneida Cruz julie.steidl@steidl-steinberg.com,
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5